

REMARKS

Applicants submit this Amendment After Final in response to the final Office Action mailed July 11, 2005.

As an initial matter, Applicants gratefully acknowledge the Examiner's indication of the allowance of claims 1-46. Based on this indication, dependent claims 87 and 88 also should be allowed, as they ultimately depend from allowed independent claims 1 and 24. Applicants also acknowledge the indication of the allowability of the subject matter of claims 48, 49, 58, 59, 68, 69, 78, and 79. Although Applicants do not necessarily agree that independent claims 47 and 57, from which claims 48-49 and 58-59 respectively depend, are unpatentable over the cited references, solely in the interests of expediting the prosecution of this application, Applicants have amended claims 47 and 57 to include the subject matter of dependent claims 48 and 58, respectively. Applicants have also amended claims 49 and 59 to now depend from claims 47 and 57, respectively. Claims 47-66, 89, and 90 are therefore in condition for allowance. Applicants have also amended claims 67, 77, and 79.

Before entry of this Amendment, claims 1, 3-24, and 26-92 were pending. After entry of this Amendment, claims 1, 3-24, 26-47, 49-57, and 59-92 are pending. Claims 1, 24, 47, 57, 67, and 77 are the sole independent claims.

On pages 2-3 of the final Office Action, claims 67, 70-77, 80-86, and 91-92 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,920,953 to McGown ("McGown"). Applicants respectfully traverse this rejection.

McGown does not disclose the claimed invention, as-amended. For example, independent claim 67 recites an endoscope channel cap including, among other

aspects, “wherein the first accommodating portion is configured to receive the interface of the first endoscope from a first side of the endoscope channel cap, and the second accommodating portion is configured to receive the interface of the second endoscope from the first side of the endoscope channel cap.” Both accommodating portions therefore receive the respective endoscope interface from the same side of the cap. Similarly, independent claim 77 recites an endoscope channel cap including, among other aspects, “wherein the first flange is configured to retain the interface of the first endoscope received from a first side of the main body and the second flange is configured to retain the interface of the second endoscope received from the first side of the main body.” McGown does not disclose such a configuration.

Page 6 of the final Office Action recites, however, that “it is noted that the features upon which applicant relies (i.e., the accommodating portions receiving an endoscope from the *same side* of the cap) are not recited in the rejection claim(s).” (Emphasis in original). Although claims 67 and 77 prior to this Amendment included recitations that the endoscope interfaces are received from the same side (as argued in Applicant’s prior response), Applicants have amended claims 67 and 77 to more clearly recite this feature (i.e., “the first side” receives the endoscopes). Accordingly, for at least the reasons set forth, Applicants respectfully request withdrawal of the Section 102(b) rejection.

On pages 3-5 of the final Office Action, claims 47, 50-57, 60-66, and 89-90 were rejected under 35 U.S.C. §103(a) as being unpatentable over McGown in view of U.S. Patent No. 6,117,070 to Akiba (“Akiba”). As set forth above, independent claims 47 and

57 were respectively amended to include the allowable subject matter of claims 48 and 58, respectively. Accordingly, the Section 103(a) rejection is now moot.

Applicants further submit that claims 3-23, 26-46, 49-56, 59-66, 68-76, and 78-92, depend either directly or indirectly from one of independent claims 1, 24, 47, 57, 67, and 77, and are therefore allowable for at least the same reasons that each of those respective independent claims is allowable. In addition, at least some of the dependent claims recite unique combinations that are not disclosed nor suggested by McGown or Akiba, and therefore at least some also are separately patentable.

Applicants respectfully request that this Amendment After Final under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1, 3-24, and 26-47, 49-57, and 59-92 in condition for allowance. Applicants submit that the proposed amendments of claims 47, 57, 67, 77, and 79 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were earlier claimed. Therefore, this Amendment After Final should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final Office Action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering and consideration of the Amendment After Final would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the Amendment After Final would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

The final Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the final Office Action.

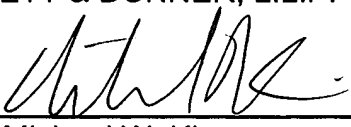
In discussing the specification, drawings, and claims in this Amendment After Final, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment After Final and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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